

CONSERVATION COMMISSION PUBLIC HEARING
March 23, 2004

The meeting was called to order at 7:00 p.m. by Ellen Goethel, Chairperson. Present were Jay Diener, Dr. Ralph Falk, Daniel Gangai, and Peter Tilton Jr. Alternate Charlie Preston was present. Commissioners not present were Peter MacKinnon and Bonnie Thimble. Alternates absent were Heather Day and Fred Palazzolo. Planning Board Member Representative Bob Viviano was also present.

A site walk was held on Saturday, March 20, 2004 at 9:00 a.m. Commissioners met at the Town Hall Parking Lot. On the agenda were as follows:

- A. Page Property Drakeside Road
Condo Development in the Jurisdictional Wetland.
- B. Winnacunnet Road
Pool in the Tidal Buffer.

The Minutes of February 24, 2004 will be reviewed at the April 27, 2004 Meeting.

NH WETLAND BUREAU APPLICATIONS

- A. Page Property off Drakeside Road
Maynard Realty Trust

This application is for the construction of road and condominiums within the jurisdictional wetlands. Mark West, wetland scientist from West Environmental, addressed the Commission. He had delineated the wetland area in July 2000. Jim Gove, soil scientist, from Gove Environmental was also present. This application proposes the construction of 36 2-story condo units and associated access road and parking and storm water management facilities on a 25.50 acre parcel off Drakeside Road. Total proposed wetland impacts include 12,300 sq. ft. to fresh water wet meadow and 5,000 sq. ft. to the tidal buffer zone associated with the Drakeside River Salt Marsh. Also, a wetland mitigation retention basin of 10,350 sq. ft. and a conservation easement of 19.86 acres. The easement would encompass 4.37 acres of upland, 6.25 acres of tidal marsh and 9.24 acres of fresh water wetland acres.

After the presentation, Mrs. Goethel asked each Commissioner for input. Mr. Preston's biggest concern was the run off of salt and fertilizer. Mr. Tilton asked if there was any consultation with the Army Corp of Engineers. Mr. West stated the Corp will be looking at it at some point. Mr. Tilton was also concerned with the water quality and the critters and habitat. Dr. Falk asked about the highest observable tide line. Mrs. Goethel asked about the highest elevation on the upland island. Mr. West stated 14 ft. Mr. Gangai questioned the road. Mr. Diener agreed with Mr. Preston about the run off.

At this time, Mrs. Goethel opened the discussion up to the public. A resident from 3 Hampton Meadows gave a presentation of a study he had done. He had pictures to compare from now and 11 years ago. Mrs. Woolsey congratulated the Commission on the Hurd Farm vote and then spoke very highly against this construction. Mr. David Goethel addressed the Commission and also spoke against the construction of the condo's as a fisherman's point of view. Mrs. Goethel then gave her opinions. The area is totally undevelopable, against the Wetlands Ordinance, poses no hardships, and 4 out of 25 acres are buildable. The Commission is an abutter also.

After all the discussions, Mr. Tilton motioned to table the vote until the April 27, 2004 meeting, so more information can be gathered. Mr. Diener seconded the motion. All were in favor.

CONSERVATION COMMISSION PUBLIC HEARING

March 23, 2004

Page 2

NH WETLAND BUREAU APPLICATIONS (Continued)

- B. Scott Lundeen
61 Lafayette Rd

This application is for the construction of a pool within the tidal wetland buffer. This is an above ground pool. However sand was dumped on the site of the pool without permission. The pool is for demonstration only. After a brief discussion, Dr. Falk motioned to recommend the DES not approve the permit for a temporary pool within the 50 ft. buffer. Mr. Diener seconded the motion. All were in favor.

SPECIAL PERMITS

- A. Page Property off Drakeside Rd.
Maynard Realty Trust

Construction of a road and condominiums within the Wetlands Conservation District.

Mr. Tilton motioned to table the vote until the April 27, 2004 meeting to allow the applicants more time to gather more information. Dr. Falk seconded the motion. All were in favor.

- B. 515 Winnacunnet Rd.
Horizon Condo Assoc

This special permit is for work on utilities within the wetlands conservation district. After a brief discussion, Mr. Tilton motioned to grant the special permit for utility work at 515 Winnacunnet Rd. Mr Diener seconded the motion. All were in favor.

- C. 542-544 High St.

This special permit is for the paving of a driveway within the wetlands conservation district. After a brief discussion, Mr. Tilton preferred to deny the application as presented (incomplete) and the Commission feels the same benefit can be derived by using pavers rather than solid asphalt to allow water filtration. Mr. Tilton motioned to recommend the granting of the special permit with the stipulation that pavers be used instead of asphalt to allow drainage run. Mr. Gangai seconded the motion. All were in favor.

- D. 31 Stowcroft Drive

This special permit was for installation of a retaining wall in the wetlands conservation district. Larry Gilbert from Bevin addressed the Commission. He will be doing the construction of the retaining wall. During construction he will be using erosion control, silt fencing and bales of hay. Mr. Diener motioned to not oppose the special permit with the proper erosion controls and the Commission be notified at start and finish of the project. Dr. Falk seconded the motion. All were in favor.

CONSERVATION COMMISSION PUBLIC HEARING

March 23, 2004

Page 3

APPOINTMENTS

Mary Louise Woolsey, Budget Committee, came before the Commission to congratulate them on the passing of the Hurd Farm Warrant.

Warren Bambury, Rockingham Regional Planning Commission, brought the Commissioners maps.

WETLAND BUREAU & PLANNING BOARD ACTIONS

- A. Jane Gallagher
31 Harbor Road

Approved construction of dock with Conservation Commission stipulations and must obtain Permits from DES and Army Corp.

- B. Page Meadow

Required an independent review and delineation of the wetlands by Rockingham County Conservation District.

- C. Requested the Building Inspector to investigate the possible violation of special permit at 63 Barbour Rd. (Pamela Kopka)

DES:

- A. Wetlands File #2004-197 515 Winnacunnet Road, Constance Ayer, need more info: approval from abutters to, to complete application.
- B. Complaint File #2003-15, 40 Highland Ave tax map 274/Lot53. 750 feet of wetlands was illegally filled. Restoration required. Plan must be submitted by May 8, 2004 and must be completed by July 8, 2004. (Virginia Kennedy)
- C. Lincolnshire Realty, 343 Exeter Rd. The Fire Dept.

OLD BUSINESS

- A. Mrs. Goethel gave an update on the Hurd Farm. The Warrant Article was voted in.
- B. The Prime Wetlands Assessment deadline is April 1, 2004.
- C. \$10,000 left in Marsh Restoration Fund. This could possibly be used for the prioritization list.
- D. An update on the stipulations list for Planning Board recommendations.

CONSERVATION COMMISSION PUBLIC HEARING

March 23, 2004

Page 4

CORRESPONDENCE

Mrs. Goethel reviewed seminars, brochures and workshops and phone calls she had received.

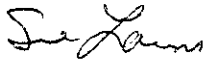
TREASURER'S REPORT

Was not available for this month's meeting.

The next meeting will be held on Tuesday, April 27, 2004 at 7:00 p.m. meeting in the Town Office Selectmen's Room. The next site walk will be held on Monday, April 26, 2004 at 6:00 p.m. meeting in the Town Office Parking Lot.

Mr. Tilton motioned to adjourn at 9:00 p.m., seconded by Mr. Diener. All were in favor.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sue Launi".

Sue Launi
Secretary

CORRECTED COPY

CONSERVATION COMMISSION PUBLIC HEARING

May 25, 2004

The meeting was called to order at 7:00 p.m. by Ellen Goethel, Chairperson. Present were Jay Diener, Dr. Ralph Falk, Peter MacKinnon and Peter Tilton, Jr. Commission members Daniel Gangai and Bonnie Thimble were excused. Alternate Charlie Preston was present. Alternates Heather Day, and Fred Palazzolo were absent. Also attending was Tracey Emerick, Planning Board member representative.

A site walk was held on Saturday, May 22, 2004 at 9:00 a.m. Commissioners met at the Town Hall Parking Lot. On the agenda were as follows:

- A. 10 Patricia Street
Condex within the Wetlands Conservation District
- B. 77 Island Path
Reconstruct existing foundation within the Wetlands Conservation District
- C. 597 Ocean Blvd.
Rebuild shed on existing footprint and replace fence within the Wetlands Conservation District.
- D. 5 Merrill Drive
Temporary impact within the Wetlands Conservation District for expansion of existing building.

The Minutes of February 24, 2004 and March 23, 2004 were reviewed. All were in agreement to accept the Minutes with corrections as noted. The Minutes of April 27, 2004 and May 25, 2004 will be reviewed at the June 22, 2004 meeting.

NH WETLAND BUREAU APPLICATIONS

- A. Donald Bibeau
10 Patricia St

This wetland application is to build a 2 unit condex within the 100 ft. buffer zone. Footprint of the Building to be 50 x 24 with 20 x 15 addition.

Mrs. Goethel read a memo sent by the previous Conservation Commission Chairperson, Vivianne Marcott, written on September 25, 2002, that the Commission had denied the Special Permit per the Wetland Ordinance 2.3.4B. After a brief discussion, Mr. Tilton motioned to oppose the application as written as it is too close to tidal wetland. If the building was moved back 50 ft. from the wetland with tidal precautions, Mr. Tilton would not be opposed. The recommendation of eco pavers be used also. Dr. Falk seconded the motion. All were in favor.

TOWN OF HAMPTON APPLICATIONS FOR SPECIAL PERMITS

- A. Lincolnshire Realty
Driveway within the Wetlands Conservation District.

Returned from the Planning Board for negotiation on mitigation. Presenting to the Commission were Amanda Barker, NH Soil Consultants, Fred Sprague, Millette, Coldwell & Sprague, Rich Correll, Correll, Correll Associates, Atty Peter Saari, and Ian Trefry, Wild Life Habitat, addressed the Commission. Ms. Barker presented the amended proposal for the driveway. The Commission had asked for permeable surface for the driveway. However, per Ms. Barker, this would not be feasible.

TOWN OF HAMPTON APPLICATIONS FOR SPECIAL PERMITS (Cont)

A. 363 Exeter Rd (Cont)
Lincolnshire Realty

After a review of the amended plan, Mr. MacKinnon motioned to not oppose the plan as the applicant had made the necessary changes as asked by the Commission. (1) install an additional culvert as a "critter crossing" in the section of driveway between the potential vernal pool and the proposed location of the warehouses; (2) place a deed restriction on a portion of the property southeast of the proposed development. The deed restriction would prohibit further development of the specified area. In addition to the deed restriction the applicant would be willing to include the entire wetland system along the eastern side of Old River. (3) Only sand be used to treat the road surface in the winter. No salt or chemicals will be used. (4) To enhance the buffer to the vernal pool, plantings of of a mix of ten shrubs between the access road and the vernal pool will be planted. (5) The applicant agrees to limit the cutting of trees and shrubs outside of the proposed development area to no more than 25% of the basal area. (6) Proper erosion control must be used and the Shore Land Protection Act be followed and notification of beginning and end of project. Dr. Falk seconded the motion. With Mr. Tilton opposed, five were in favor.

B. Robert Bridle
597 Ocean Blvd

This Special Permit is to replace a shed and fence within the Wetlands Conservation District. After a brief overview, Mr. Tilton motioned to not oppose the Special Permit for the shed and fence with the following stipulations: (1) shed reconstruction will remain on the same footprint but be on footings; (2) fence will run along the south side of the property; (3) must obtain a State DES standard Dredge & Fill Permit prior to start of any work; (4) proper erosion control be utilized; and (5) the Commission be notified at start and end of project. Mr. Preston seconded. All were in favor.

C. David Joaquin
77 Island Path

This Special Permit is to replace existing foundation on same footprint within the Wetlands Conservation District. After a brief discussion, Mr. Diener motioned to not oppose the Special Permit with the stipulations that the Commission be notified at beginning and end of project, and proper erosion control be used. Dr. Falk seconded the motion. All were in favor.

D. Donald Bibeau
10 Patricia St

This Special Permit is for the construction of 2 unit Condex within the Wetlands Conservation District. Please see NH Wetland Bureau Application on Page 1. Mr. Tilton motioned to oppose the Special Permit application for 10 Patricia Street. Mr. MacKinnon seconded. All were in favor.

E. Rademo Realty Trust
5 Merrill Drive

This Special Permit is for temporary impact in wetland buffer for construction of addition to existing building. After a brief review, Mr. Tilton motioned to not oppose the Special Permit with the stipulations of being notified at start and finish of the project, and that the buffer be returned to pre-construction state, seconded by Mr. Diener. All were in favor.

CONSERVATION COMMISSION PUBLIC HEARING

May 25, 2004

Page 3

PLANNING BOARD REFERRALS

- A. Rademo Realty - Please see Special Permit
- B. Maplecroft Subdivision - 431 Winnacunnet Rd. - Re: Lot 10-2 The wetlands boundary on this property should be marked and the building footprint needs to be clearly delineated before the lot is accepted.
- C. Poissant Subdivision - 3A Purington Lane - Have wetland boundaries marked with granite boundary markers.

Mrs. Goethel will send letters to the Planning Board stating no objections.

At this time, Dr. Falk motioned to close the Public Hearing and seal the Minutes until an unspecified future vote, in order to discuss a possible property purchase. Mr Diener seconded the motion. All were in favor.

Unsealed Minutes:

Closed Meeting:

Discussion ensued about a piece of property owed by Shirley McRae fronting on Barbour Rd adjacent to the conservation land at White's Lane. The asking price is \$150,000. for about 26 acres.

Dr. Falk motioned to start the process for purchase of the property and to go into public session. Mr. Mackinnon seconded the motion. All were in favor.

Public Session:

Dr. Falk motioned to unseal the Minutes of the closed session. Mr. Diener seconded the motion. All were in favor.

After a discussion, Mr. Tilton motioned to start the process for purchase of the land owned by Shirley B. McRae fronting Barbour Rd (Tax Map: 110 Lot: 3C) for the price of \$150,000, using the money set aside in the Conservation Land Acquisition Fund. This was seconded by Mr. Diener. It was a unanimous vote in favor of purchasing the land.

WETLAND BUREAU ACTIONS

- A. Jane Gallagher
31 Harbor Rd
Approved construction of dock with stipulations.
- B. NH DOT
Route 101
Approved Temporary impact to wetlands for construction of signs along Line Swamp.

PLANNING BOARD ACTIONS

- A. Terrence Gauthier
78 Island Path

Approved demolition and construction of new garage within same footprint. Notification and erosion controls.

CONSERVATION COMMISSION PUBLIC HEARING

May 25, 2004

Page 4

PLANNING BOARD ACTIONS (Continued)

B. Ian Burgess

45 Tide Mill Rd

Approved with Conservation Commission stipulations.

OLD BUSINESS

Taylor River Prime Wetland Meeting is June 1, 2004 at 7:00 p.m. at the Town Office.

NEW BUSINESS

CORRESPONDENCE

Mrs. Goethel reviewed seminars, brochures and workshops and phone calls she had received.


TREASURER'S REPORT

The Treasurer's Report was not available for this meeting.

The next meeting will be held on Tuesday, June 22, 2004 meeting in the Town Office Meeting Room as 7:00 p.m. The next site walk will be Saturday, June 19, 2004 at 9:00 a.m. meeting in the Town Office Parking Lot.

Mr. Diener motioned to adjourn at 9:30 p.m., seconded by Mr. Preston. All were in favor.

Respectfully submitted,



Sue Launi

Secretary